

# SOUTHERN ENVIRONMENTAL LAW CENTER

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Washington, DC

June 16, 2009

*Via U.S. and electronic mail*

Regional Freedom of Information Officer  
U.S. EPA, Region 4  
AFC Bldg. 61 Forsyth Street, S.W., 9th Flr (4PM/IF)  
Atlanta, GA 30303-8960  
r4foia@epa.gov

CTRL NO. ① ARIN 00531-09	
Expiry Date: 7/16/09	
Category: Other	
APRMD	SESD
CCs	CC EAD
WTRD	OTHER

Re: Freedom of Information Act Request - PCS Phosphate Section 404 Clean Water Act permit  
FOIA Officer:

On behalf of the Environmental Defense Fund ("EDF") and pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq., the Southern Environmental Law Center ("SELC") requests all documents related to the U.S. Environmental Protection Agency's evaluation of PCS Phosphate's June 3, 2009 permit - Action ID 200110096 - issued by the Wilmington District of the U.S. Army Corps of Engineers. This request specifically includes all documents related to the U.S. Environmental Protection Agency's elevation of the permit decision under Clean Water Act Section 404(q) as described in a letter dated April 3, 2009 from Mr. Michael Shapiro, U.S. EPA, to Mr. John Woodley, U.S. Army Corps of Engineers. In addition to documents received and produced by EPA, this request includes all documentation of internal communications as well as communications with representatives or employees of PCS Phosphate, CZR Incorporated, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, N.C. Division of Water Quality, and any other state or federal agency. This request extends to evaluations of the permitted mine plan, Modified Alt. L, all previous versions of Alternative L, including, but not limited to, Modified Alt. L as certified by the N.C. Division of Water Quality, and the EPA Alternative described in EPA's detailed elevation comments.

We have sent a similar request to EPA Headquarters, and therefore restrict this request to documents within Region 4. It is our understanding that the following persons within EPA may have information responsive to this request: Mike Shapiro, Stan Meiburg, Jim Giattina, Gregory Peck, Suzanne Schwartz, Palmer Hough, Tom Wellborn, David Evans, Robert Wood, Dawn Messier, Jennifer Derby, and Rebecca Fox.

SELC requests that you provide the documents without charge, or at a reduced charge, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), because reduction or waiver of fees would contribute to public understanding of the Corps's activities and is not in SELC's commercial interest. SELC is a 501(c)(3) non-profit organization with 20 years of experience disseminating information.

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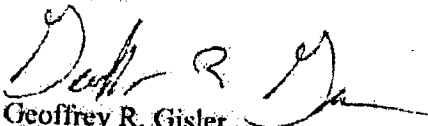
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INFORMATION OFFICE

throughout the Southeast. EDF has more than 500,000 members nationwide and 9,000 members in North Carolina and decades of experience communicating with members regarding pressing environmental issues like the PCS Phosphate mine expansion. The documents obtained by this request will allow the public to develop an informed opinion regarding the expansion of the PCS Phosphate Aurora mine. Should our request for reduced or waived fees be denied, we are prepared to bear the reasonable costs necessary to fulfill this request, although we request that you contact us before processing this request to discuss fees. We reserve our rights to appeal a fee waiver or reduction denial.

FOIA directs a responding agency to make a "determination" on any request within twenty (20) working days of receipt. See 5 U.S.C. § 552 (a)(6)(A)(i). We request that EPA comply with the statutory deadline.

Thank you for your prompt attention to this matter. I look forward to the opportunity to review the requested records. If you have any questions regarding this request, please feel free to call me at (919) 967-1450.

Sincerely,

  
Geoffrey R. Gisler



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

June 23, 2009

OFFICE OF  
ENVIRONMENTAL INFORMATION

Mr. Geoffrey Gisler  
Southern Environmental Law Center  
200 West Franklin Street  
Suite 330  
Chapel Hill, NC 27516-2559

RE: Request Number HQ-RIN-01455-09 & 04-RIN-00531-09


Dear Mr. Gisler:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA), 5 U.S.C. request seeking documents regarding PCA Phosphate Section 404 Clean Water Act permit.

EPA's Office of Water in Washington, DC and EPA's Region 4 office located in Atlanta, GA, the offices responding to your requests informed me that responding to your requests does not reach the minimum billable amount. Accordingly, there are no charges associated with processing your requests.

If there are any questions concerning this letter, please contact Cynthia Floyd-Coleman of my staff at (202) 566-1667.

Sincerely,

  
Larry F. Gottesman  
National FOIA Officer